



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,084	01/08/2001	James H. Waldo	06502.0110-01	6895

60667 7590 06/28/2006

SUN MICROSYSTEMS/FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/755,084	Applicant(s) WALDO ET AL.	
	Examiner Benjamin A. Ailes	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-24 and 26-39 is/are pending in the application.
- 4a) Of the above claim(s) 12-21, 23, 24 and 30-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11, 22 and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/27/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to correspondence filed 06 April 2006.
2. Claims 8-24 and 26-39 remain pending. Claims 12-21, 23-24 and 30-39 have been withdrawn from consideration. Claims 8-11, 22 and 26-29 have been examined.

Election/Restrictions

3. Applicant's election with traverse of Group I in the reply filed on 06 April 2006 is acknowledged. The traversal is on the ground(s) that the present application would not present a serious burden on the Examiner. This is not found persuasive because Group I and Group II are distinct for the reasons set forth in the Requirement for Restriction/Election mailed 06 March 2006 and because Group I and Group II require different fields of search (see MPEP 802.02).

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 8-11, 22 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mack (US 6,192,044 B1) in view of Myrick et al. (US 5,978,852), hereinafter referred to as Myrick, and further in view of Lorenz (US 5,892,922).

7. Regarding claim 8, Mack teaches the use of a lookup service in a network system wherein a user queries the lookup service to acquire access to further locations within the network, the lookup service including the ability to send the requestor necessary information in order to complete the connection, deemed functionally equivalent to applicant's claimed stub or serialized object (see col. 4, lines 30-35, col. 6, lines 35-45 and figures 7 and 8). While Mack does disclose the utilization of a lookup service in a networking system, Mack does not explicitly explain how the lookup service is updated and/or maintained. The updating and/or maintaining of a lookup service is deemed an inherent or implicit feature in the art when utilizing any type of database. As is known, any type of database that is not updated or maintained at all can quickly go out of date and become obsolete, of no use and virtually worthless. The need for updating or maintaining of a database is demonstrated by Myrick (col. 1, lines 48-60) wherein it is mentioned necessary in the art wherein a look-up table should be maintained and updated frequently by utilization of a switch that automatically keeps the look-up table updated. While Myrick does clearly teach the need for a look-up table to be updated, Myrick does not clearly teach the step of "updating the lookup service such

Art Unit: 2142

that the associated services unaffected by the update continue to be available for use while the update occurs". Taking broadest reasonable interpretation, this claim limitation is understood to allow the lookup service database to be available to users while the lookup service database is being updated. This feature in the art of concurrent database accessing/updating is taught by Lorenz wherein a database memory look-up table can be updated and maintained and a look-up processs can run simultaneously (see col. 2, lines 42-56). One of ordinary skill in the art at the time of the applicants' invention would have found it obvious to combine the features taught and described by Myrick and Lorenz with the teachings of Mack. One of ordinary skill in the art would have been motivated to combine in order to provide a database lookup service which is updated automatically and frequently (Mack, col. 1, ll. 61-67) and to provide a database lookup service which can be accessed my multiple clients concurrently (see Lorenz, col. 2, ll. 48-56).

8. Independent claims 22 and 26 contain similar subject matter and are rejected under the same rationale as independent claim 8.

9. Regarding claim 9, Mack, Myrick and Lorenz teach the updating step including associating a new service with the lookup service (Myrick, col. 1, ll. 48-60).

10. Regarding claim 10, Mack, Myrick and Lorenz teach the method wherein the updating step includes disassociating one of the associated services from the lookup service so that the one service is no longer available to use (Myrick, col. 1, ll. 48-60).

11. Regarding claim 11, Mack, Myrick and Lorenz teach the method wherein the associated service have attributes and wherein the updating step includes the step of modifying the attributes of one of the associated services (Myrick, col. 1, ll. 48-60).
12. Claim 27 contains similar subject matter and is rejected under the same rationale as claim 9.
13. Claim 28 contains similar subject matter and is rejected under the same rationale as claim 9.
14. Claim 29 contains similar subject matter and is rejected under the same rationale as claim 9.

Response to Arguments

15. Applicant's arguments filed 09 February 2006 with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Crowe et al. (US 5,970,488) disclose a real-time distributed database system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

Art Unit: 2142

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER